

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 BARBARA HUBBARD,) Case No. 08CV917 BTM (WMC)
12 Plaintiff,)
13 v.)
14 RAUL CANIZALES dba EL POLLO)
15 LOCO; SS & B,)
16 Defendants.)

17 **IT IS HEREBY ORDERED** that an Early Neutral Evaluation of your
18 case will be held on September 19, 2008 at 9:30 a.m. in the
19 chambers of the Honorable William McCurine, Jr., United States
20 Magistrate Judge, 940 Front Street, Courtroom C, San Diego,
21 California, 92101. **Absent extraordinary circumstances, requests**
22 **for continuances will not be considered unless submitted in writing**
23 **no less than fourteen (14) days prior to the scheduled conference.**

24 Pursuant to Local Rule 16.1(c) of the Local Rules of the
25 United States District Court for the Southern District of
26 California, **all named parties, all counsel, and any other person(s)**
27 **whose authority is required to negotiate and enter into settlement**
28 **shall appear in person at the conference, shall be prepared to**

1 discuss the claims and defenses, and shall be legally and factually
2 prepared to discuss and resolve the case at the Early Neutral
3 Evaluation conference. **Full authority to settle means that the**
individual present at the settlement conference has the unfettered
discretion and authority to: 1) fully explore settlement options
and to agree at that time to any settlement options; 2) agree at
that time to any settlement terms acceptable to the parties; 3)
change the settlement position of a party; and 4) negotiate
monetary awards without being restricted to a specific sum certain.

10 Where the suit involves the United States or one of its
11 agencies, only United States counsel with full settlement authority
12 need appear. **As to all other parties, appearance by litigation**
counsel only is not acceptable.

14 Requests to be excused from attendance for **extraordinary**
15 **circumstances** must be in writing and received by the Court at least
16 **fourteen (14) days** prior to the conference. **Failure of required**
17 **counsel and parties to appear in person** will be cause for the
18 **imposition of sanctions.** Sanctions will include, but are not
19 limited to, the attorney's fees and travel costs of the other
20 parties in the case. In addition, the conference will not proceed
21 and will be reset to another date. All conference discussions will
22 be informal, off the record, privileged, and confidential.

23 Counsel for any non-English speaking parties is responsible
24 for arranging for the appearance of an interpreter at the
25 conference.

26 In cases where a party is **incarcerated** at the time of the
27 scheduled conference, arrangements will be made for the
28 incarcerated party to appear telephonically.

1 The parties are required to submit a short Early Neutral
2 Evaluation Conference Statement about the case on a confidential
3 basis no later than **seven (7) days** before the conference.

4 Rule 26 of the Federal Rules of Civil Procedure shall apply to
5 this case. All discovery shall be stayed until after the Rule
6 26(f) conference, unless otherwise permitted by Rule 26(f) or court
7 order.

8 In the event the case does not settle at the Early Neutral
9 Evaluation Conference, the parties shall also be prepared to
10 discuss the following matters at the conclusion of the conference:

11 1. Any anticipated objections under Federal Rule of Civil
12 Procedure 26(a)(1)(E) to the initial disclosure provisions of
13 Federal Rule of Civil Procedure 26(a)(1)(A-D);

14 2. The scheduling of the Federal Rule of Civil Procedure
15 26(f) conference;

16 3. The date of initial disclosure and the date for lodging
17 the discovery plan following the Rule 26(f) conference; and

18 4. The scheduling of a Case Management Conference pursuant
19 to Federal Rule of Civil Procedure 16(b).

20 Plaintiff's counsel shall give written notice of the Early
21 Neutral Evaluation Conference to parties responding to the
22 complaint after August 27, 2008.

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1 Questions regarding this case may be directed to the
2 Magistrate Judge's law clerk at (619) 557-6624.

IT IS SO ORDERED.

4 | DATED: August 27, 2008

W. McCutchen Jr.

Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court

9 | COPY TO:

10 HONORABLE BARRY T. MOSKOWITZ, U.S. DISTRICT JUDGE
11 ALL PARTIES AND COUNSEL OF RECORD

**NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE JUDGE**

3 IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. §
4 636(c), YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF
5 THIS DISTRICT MAY, UPON THE CONSENT OF ALL PARTIES, ON FORM 1A
6 AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR ALL PROCEEDINGS,
7 INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A
8 FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF SHALL BE RESPONSIBLE
9 FOR OBTAINING THE CONSENT OF ALL PARTIES, SHOULD THEY DESIRE TO
10 CONSENT.

11 YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR
12 NOT TO CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED
13 SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL
14 THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED
15 BE INFORMED OF YOUR DECISION.

16 JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE
17 APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS
18 STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.